

BakerHostetler

November 13, 2018

VIA ECF AND E-MAIL

Honorable Stuart M. Bernstein
(Bernstein.chambers@nysb.uscourts.gov)
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, New York 10004-1408

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Re: Picard v. Ceretti, et al., Adv. Pro. No. 09-01161 (SMB)

Dear Judge Bernstein:

We write on behalf of Irving H. Picard, the trustee (the “Trustee”) for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-*III* (“SIPA”), substantively consolidated with the estate of Bernard L. Madoff, regarding the Trustee’s Motion for the Issuance of a Letter of Request for the examination under oath of Mr. Craig Perry (the “Motion”).¹ Following argument on the Motion before the Court on October 31, 2018, counsel for the Trustee and Mr. Perry attempted to reach an agreement that would have obviated the need for the Court to decide the Motion.² Notwithstanding the Trustee’s good faith efforts, the parties have been unable resolve the issues.³ In light of this and the need to conclude fact discovery in this proceeding expeditiously, the Trustee respectfully requests that the Court decide the Motion.

Respectfully submitted,

/s/ Marshall J. Mattera

Marshall J. Mattera

Enclosure

cc: Thomas J. Moloney, Esq. (tmoloney@cgsh.com)
Jessa DeGroote, Esq. (jdegroote@cgsh.com)

¹ ECF No. 372.

² Enclosed as Attachment A is a copy of the correspondence between counsel for the Trustee and Mr. Perry.

³ See Att. A at 1-6.